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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/825,838

04/16/2004

Manfred Droste

P-US-PR 1116

9454

7590

05/18/2006

Michael P. Leary
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EXAMINER

RODRIGUEZ, SAUL

ART UNIT

PAPER NUMBER

3681

DATE MAILED: 05/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/825,838	Applicant(s) DROSTE, MANFRED	
	Examiner Saúl J. Rodríguez	Art Unit 3681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This communication is responsive to the amendment filed February 27, 2006.

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

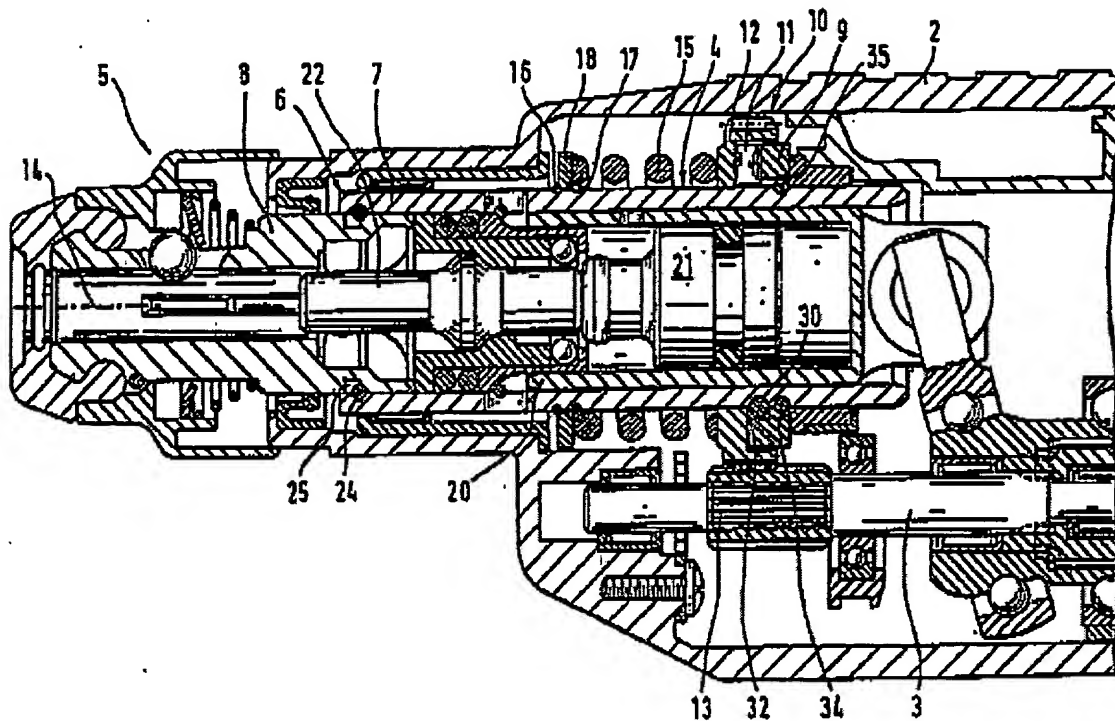
Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

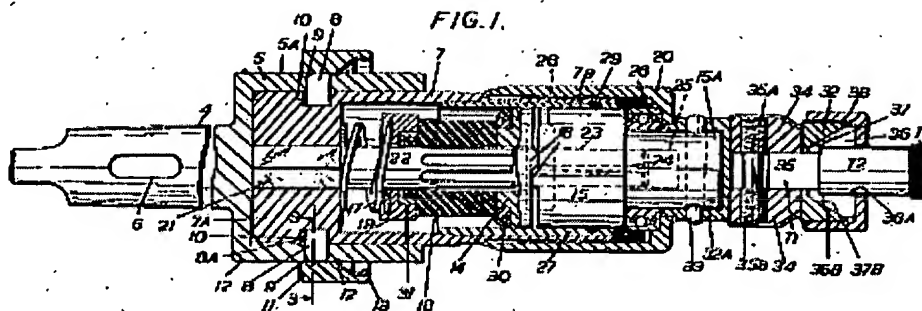
Claims 1-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bleicher et al. ('905) in view of Thomson ('076).

Bleicher discloses clutch for a rotary power tool comprising a housing, a spindle, a motor, first and second clutch members, biasing means or compression spring (15), a drive gear, a resilient stop member (34), and a recess.



Bleicher does not show a clutch as claim (e.g., including second biasing member, inclined friction surfaces, or cooperating engaging portions comprising a plurality of teeth).

Thomson on the other hand discloses a clutch for a power tool having spindle (21, 22, 23), a first slidable clutch member or hub (14), a second clutch member (15), a plurality of friction surfaces or splines (22) defining a plurality of angled surfaces with respect to the rotational axis (e.g. terminus of the splines, flanks of the teeth, etc.), a plurality of first and second biasing means (17, 18), a plurality of teeth (16), a compression spring (17).



Then it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use the clutch of Thomson in the device of Bleicher to further improve the ability of the machinery to save itself from damage.

Response to Arguments

Applicant's arguments filed February 27, 2006 have been fully considered but they are not persuasive.

Concerning applicant's argument that it is not clear how to combine the elements or their compatibility, it is submitted that why or how one would substitute a linear spring (Bleicher et al.) by a dual-stage element (Thomson) would have been within the level of one of ordinary skill. Nor it is believed that the combination would render Bleicher unsatisfactory. The assumption that both clutch parts would be rotationally fixed to the guide tube defy common sense and what is taught by the prior art -- since the driving component of Thomson corresponds to element 15.

Also, concerning applicant's allegation that the prior art does not show biasing means acting between the first and second clutch members, the examiner respectfully

disagrees. As noted by the applicant, the springs of the prior art act between static and axially moveable components each associated with a clutch member. The fixed component has an axial position corresponding to the driving clutch element, while the other has a position that corresponds to the driven clutch element. Also, the springs of the prior art are positioned physically and operationally between the spindle and the first clutch members (see enclosed figures). Similarly, it should be noted, the springs of the instant application display similar physical and operational placement.

Concerning applicant's argument that the prior art does not teach tapered splines, reference is made to the splines of the intermediate portion and the explanation provided in the rejection. For examination purposes, and lacking a frame of reference in the claim, it is believed that the prior anticipates the claimed limitation. The prior art (Thomson) discloses a tapered spline terminus or spline teeth flanks that would either be tapered with respect to a radial axis or tangential plane.

Concerning applicant's argument regarding the motivation to combine, the advantages of using a spring-mass system with additional degrees of freedom are well known in the art and would have been evident to one of ordinary skill (e.g., damping plural natural frequencies).

Therefore, given a reasonable expectation of successfully combining the reference and the knowledge of one of ordinary skill in the art, the combination/rejection is deemed proper.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

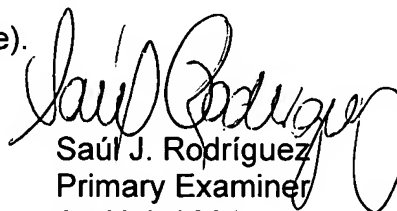
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saúl J. Rodríguez whose telephone number is (571) 272-7097. The examiner can normally be reached on M-F 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles A. Marmor can be reached on (571) 272-7095. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


SJR


Saúl J. Rodríguez
Primary Examiner
Art Unit 3681